

DRAFT

U.S. Patent Application No. 10/666,058
Attorney Docket No. Giles 71-7-16-9
Page 12

Remarks

Examiner's Interview

Applicants wish to thank the Examiner and her supervisor for participating in an Examiner's Interview on July 26, 2005 with the undersigned. Although agreement was not reached on the allowability of the remaining claims, the interview was helpful in clarifying the main issue preventing allowance. Specifically, the Examiner confirmed that indeed she construes the mirror arrays 48A and 48B as shown in Figure 2 of Solgaard as a single array of mirrors. Based on this interpretation, two more elements of the "array" would correspond to a single channel beam.

During the interview, Applicants discussed with the Examiner possible amendments to the claims to clarify the differences between the term "array" as used in the application and the term as construed by the examiner with reference to Solgaard. The Examiner indicated that she would consider an amendment after final which clarified these differences, although, understandably, she would not commit to entering an amendment until she had the opportunity to determine whether it changed the scope of the claims.

DRAFT

U.S. Patent Application No. 10/666,058

Attorney Docket No. Giles 71-7-16-9

Page 13

Status of Claims

The claims have been amended to clarify the term "array of reflective elements", and thereby distinguish the claims over the Examiner's interpretation of the term as including the combination of arrays 48A and 48B as shown in Fig. 2 of Solgaard. Specifically, Claims 1, 30, 31, and 32 have been amended to clarify that an array comprises reflective elements *in a common plane*. Support for this claim is found in the application in the context of describing the linear array 21 and the two-dimensional array 31 shown in Figs. 2 and 3. Solgaard, in contrast, shows a combination of arrays in which mirrors 46(a)-(c) are in one plane, while mirrors 46(d)-(f) are in a different plane. As such, this combination cannot be considered an array in accordance with the claimed invention.

Additionally, to further distinguish the array configuration of the claimed invention over the examiner's construction of Solgaard, the term "adjacent" has been added to indicate that reflective elements which correspond to a given channel beam are next to each other in the common plane of the array. Support for this amendment can be found, for example, in Claim 13. Solgaard does not disclose an array of reflective elements in which at least two adjacent reflective elements correspond to a single channel beam. To the contrary, referring to Fig. 2, it is clear that different channel beams are incident upon adjacent mirrors 46(a)-(c) and upon adjacent mirrors 46(d)-(f).

In addition to this amendment, Applicants have also moved a significant portion of the preamble of Claims 31 and 32 into the body of the claim to eliminate any issues with respect to how the preamble should be construed.

Finally, Applicants have made a number of amendments to the claims to make them consistent with the amendments described above.

DRAFT

U.S. Patent Application No. 10/666,058
Attorney Docket No. Giles 71-7-16-9
Page 14

Applicants hope that the Examiner finds these amendments satisfactory in clarifying the Applicants' interpretation of the term "array," and, in so doing, in distinguishing the claimed invention over Solgaard as interpreted by the Examiner.

Allowable Subject Matter

Applicants again gratefully acknowledge the Examiner's finding of allowable subject matter in Claims 13 and 37-38, but, at this time, choose to forgo amending the claims pending the Examiner's reconsideration of the application in light of the remarks above.

In light of the above remarks, an early and favorable response is earnestly requested.

Respectfully submitted,

Stephen J. Driscoll, Esquire
Registration No. 37,564
Attorney for Applicant
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2198

SJD/dl

AF:\Driscoll\JUGENT\27187 USA\Draft Reply to advisory action.doc